IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SIXTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE V.ESWARAIAH

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WRIT PETITION NO : 19733 of 2004

Between:

1 Sri Mohd.Jeelani S/o.Md Khader, R/o.H.No.2-4-432, Kranti

Nagar, Hanamkonda.
2 Sri V.Venkateshwar Rao S/o. Hari Prasad Rao
R/o.72, LIG Quarters, Housing Board, Hanamkonda.
3 Smt.B.Rama Devi D/o.Bhaskar Reddy (Late)
R/o.H.No.2-9-43, Excise Colony, Hanamkonda
4 B.Janardhan Goud, S/o.Laxmaiah,
R/o. Peddapendyal (V) Dharmsagar (M) Warangal District.

..... PETITIONERS

AND

1 The Chairman-Cum-District Collector Zilla Saksharatha

Samithi Warangal, Warangal District.
2 The Secretary-Cum-Deputy Director of Adult Education,

Govt.A.P. Zilla Saksharatha Samithi Warangal, Warangal

District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction, more particularly one in the Nature of writ of Mandamus directing the respondents to continue and absorb the petitioners on same terms and condition in view of letter No.Rc.No. 605/AD-3/89 Estt., dt.16.9.2004 of the 2nd respondent pending regularization of the services of the petitioners in

terms of various Government orders under the Respondents or any other State Government Organization/Scheme in Warangal District and consequently declare the action of the Respondents in taking coercive steps to terminate the service of the petitioners contrary to the letter No.RC.No.605/AD-3/89-Estt, Dt.16/9/2004 by invoking Sec.25 (F) of LD Act, even though the petitioners have been working for last 12 years as being violative of ratio laid by the Hon'ble Supreme Court of India in Gujarat Agricultural University Vs Rathod Labhu Bechar, Cited in AIR 2001 SCW 351.

Counsel for the Petitioner: MR.B.Sudhakar Reddy & Associates

Counsel for the Respondent Nos.1 & 2: GP FOR EDUCATION

The Court made the following :

ORDER:

The petitioners seek implementation of the letter dated 16.09.2004 issued by the 2nd respondent addressed to the 1st respondent, according to which, a recommendation was made to consider the cases of the petitioners for their continuance in service. It appears that the 1st respondent has not taken any decision on the said letter. Subsequently, the 1st respondent himself passed orders in

Rc.No.605/AD-3/89-Estt., dated 24-09-2004 dispensing with the services of the petitioners after expiry of 30 days of receipt of the notice, as per the procedure laid down under Section 25 (F) of the Industrial Disputes Act (for short 'the Act').

Learned counsel appearing for the respondents submits that questioning the proceedings dated 24-9-2004, the petitioners filed W.P.No.17869 of 2004, which was dismissed by this Court observing that the respondents shall not recruit new persons in the place of the petitioners and preference shall be given to the petitioners under the new scheme.

Learned counsel appearing for the petitioners submits that the letter dated 16-9-2004 discloses that the respondents are inclined to continue the scheme and therefore they are entitled to be continued in service.

I am unable to accept the said contention. Pursuant to the letter addressed by the 2nd respondent to the 1st respondent, the 1st respondent issued a notice to the petitioners under Section 25 (F) of the Act, which was questioned in the said writ petition, but no relief was granted to the petitioners. Therefore, I am of the opinion, that the petitioners are not entitled to get any relief for their continuance or absorption.

Accordingly, the writ petition is dismissed, keeping it open for the petitioners to question the notice under Section 25 (F) of the Act before the Labour Court or the Industrial Tribunal. No costs

16-11-2004

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To

1 The Chairman-Cum-District Collector Zilla Saksharatha

Samithi Warangal, Warangal District.

2 The Secretary-Cum-Deputy Director of Adult Education,

Govt.A.P. Zilla Saksharatha Samithi Warangal, Warangal

District.

3 Two CCs to GP for Education, High Court buildings,

Hyderabad, (OUT)

4. Two CD copies.